

3764

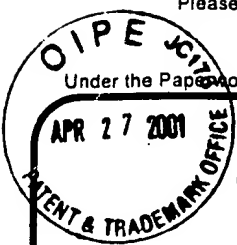
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/379,851
Filing Date	August 24, 1999
First Named Inventor	Frank E. Joutras
Group Art Unit	3764
Examiner Name	Denise M. Pothier
Attorney Docket Number	558-9-13-1

Total Number of Pages in This Submission 3

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): a postcard receipt
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Vincent L. Carney, Attorney for Applicant
Signature	<i>Vincent L. Carney</i>
Date	April 24, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: April 24, 2001

Typed or printed name	Vincent L. Carney
Signature	<i>Vincent L. Carney</i>
Date	April 24, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank E. Joutras, et al.) Patent Application
Serial No: 09/379,851) Group Art Unit: 3764
Filed : August 24, 1999) Examiner: Denise M. Pothier
For : EXERCISE APPARATUS) Date: April 24, 2001
AND TECHNIQUE)

ELECTION WITH TRAVERSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office action mailed March 27, 2001, in the above identified case, and to confirm a telephone conversation with the Examiner on March 23, 2001, the applicant provisionally elects with traverse the claims of Group I, claims 1-12 drawn to an orthotic apparatus.

The requirement for restriction of invention of the Examiner is respectfully traversed on the ground that the claims covering the apparatus and methods as grouped by the Examiner are so closely related as not to be separate and distinct. The methods and apparatus are both used for the same purpose and, indeed, the methods use the claimed apparatus.

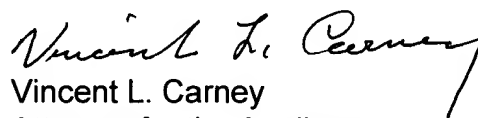
Because the groups of claims are so closely related, the searches are interwoven. A search for the methods will necessarily encompass a search for the apparatus, since the

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same patents that claim such apparatus could very well disclose the methods. Similarly, a search for the methods will necessarily encompass a search for the apparatus, since the patent specification will of necessity disclose both the method and the apparatus. Because the searches are interwoven, it is respectfully submitted that the inventions have not acquired a separate status in the art.

It is respectfully requested, in view of the above comments, that the election of invention be withdrawn.

Respectfully submitted,



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